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9-23-02

Attorney's Do k t N . W-3875

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: DONALD D. HOLBROOK

Serial No.: 0 9 /511,830      Group No.: 1724      Attorney No. 13173  
Filed: FEB. 23, 2000      Examiner: BETSEY M. HOEY  
For: METHOD FOR TREATING A WORK MATERIAL

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed  
MARCH 6, 2002 finally rejecting claims 1-4, 6-11 AND 13-15.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

- ☐ other than a small entity.
- ☒ a small entity.

A verified statement

- ☐ is attached
- ☒ was already filed on FEB. 23, 2000

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

- ☒ small entity      ~~\$135.00~~ ~~\$150.00~~ \$160.00
- ☐ other than a small entity      ~~\$270.00~~ \$300.00

Notice of Appeal fee due \$ 160.00

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231  
Date SEPT. 6, 2002

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office

Signature  
Rodney K. Worrel  
(type or print name of person certifying)

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SEP 19 2002  
TC 1700 MAIL ROOM

09/18/2002 RNDNDAF1 00000012 09501830  
160.00 OP  
460.00 OP  
01 FC:219  
02 FC:217

### 3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 CFR 1.191 are subject to the provision of § 1.136 for patent applications 37 CFR 1.191(d). (But see 37 CFR 1.645 for extension of time in interference proceedings and 37 CFR 1.550(c) for extension of time in reexamination proceedings).

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- (a) ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	<del>\$360.00</del> \$ 380.00	<del>\$180.00</del> \$ 190.00
<input checked="" type="checkbox"/> three months	<del>\$840.00</del> \$ 870.00	<del>\$420.00</del> \$ 435.00
<input type="checkbox"/> four months	<del>\$1,320.00</del> \$ 1360.00	<del>\$660.00</del> \$ 680.00
		Fee \$ 460.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☒ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$460.00

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 160.00

Extension fee (if any) \$ 460.00

TOTAL FEE DUE \$ 620.00

### 5. FEE PAYMENT

- ☒ Attached <sup>are 2 checks</sup> ~~is a check~~ in the sum of \$ 160.00 & \$460.00

- ☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_

A duplicate of this transmittal is attached.

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(Notice of Appeal from the Primary Examiner to Board [9-6]—page 2 of 3)

**6. FEE DEFICIENCY**

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

- ☒ If any additional extension and/or fee is required charge Account No. 23-3185

AND/OR

- ☐ If any additional fee for claims is required, charge Account No. \_\_\_\_\_

  
SIGNATURE OF ATTORNEY

Reg. No.: 27,475

Atty No.: 13173

Tel. No.: (559) 431-4391

Rodney K. Worrel

(type or print name of attorney)

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(Notice of Appeal from the Primary Examiner to Board [9-6]—page 3 of 3)

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Attorney's Docket No. W-3875**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: DONALD D. HOLBROOK

Serial No.: 09 / 511,830

Group No.: 1724

Filed: FEB. 23, 2000

Examiner: BETSEY M. HOEY

For: METHOD FOR TREATING A WORK MATERIAL

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is
- ☒ a small entity. A verified statement:
    - ☐ is attached.
    - ☒ was already filed.
    - ☐ other than a small entity.

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Date: 9/6/02**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office

Signature

Rodney K. Worrel

(type or print name of person certifying)

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## EXTENSION TERM

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
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Fee \$ 460.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 460.00

OR

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal [9-19]—page 2 of 4)

**FEE F R CLAIMS**

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDIT. RATE FEE	ADDIT. RATE FEE
TOTAL *	MINUS **	=	9 x11 = \$	18 x22 = \$
INDEP. *	MINUS ***	=	x37 = \$ 39	x74 = \$ 78
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+115 = \$ 130	+220 = \$ 260
			TOTAL ADDIT. FEE \$	OR TOTAL ADDIT. FEE \$

- \* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR § 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

- (c) ☒ No additional fee for claims is required.

**OR**

- (d) ☐ Total additional fee for claims required \$\_\_\_\_\_

**FEE PAYMENT**

5. ☒ Attached is a check in the sum of \$460.00  
☐ Charge Account No. \_\_\_\_\_ the sum of \$\_\_\_\_\_

A duplicate of this transmittal is attached.

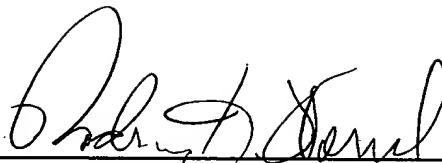
**FEE DEFICIENCY**

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 23-3185

**AND/ R**

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(Amendment Transmittal [9-19]—page 4 of 4)